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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPEAL NO.1038 OF 2005

The State of Maharashtra).. Appellant

Versus

Ramchandra Krishnaji Pawar and others).. Respondents

Mr.D.R. More, Additional Public Prosecutor, for the Appellant.

CORAM : V.G.PALSHIKAR, Acg.C.J. & SMT. NISHITA MHATRE, J.

DATED : 31ST AUGUST 2006

P.C.:

. This Appeal seeks enhancement of sentence awarded by the learned trial Judge. He has awarded the sentence to the accused persons in accordance with their involvement and the operative part of the order reads thus :

> "5.(i) Each accused shall undergo Rigorous Imprisonment for a period of Six months for the offence punishable under Sec. 143 I.P.C.
>
> (ii) Each accused is further sentenced to undergo Rigorous Imprisonment for a period of One year for the offence punishable under Section 147 I.P.C.
>
> (iii) Each accused is further sentenced to undergo Rigorous Imprisonment for a period of One year for the offence punishable under Section 148 I.P.C.
>
> (iv) Each accused is further sentenced to undergo Rigorous Imprisonment for a period of One year for the offence punishable under

Section 472 r/w. Section 149 I.P.C. and sentenced to pay fine of Rs.500/- each and in default, each shall undergo further imprisonment for a period of one month.

(v) Each accused is sentenced to undergo Rigorous Imprisonment for a period of One year for the offence punishable under Section 326 r/w. Section 149 I.P.C. and also ordered to pay a fine of Rs.500/- each in default, further imprisonment for a period of One month. No separate sentence is passed for the offence punishable under Section 324 r/w. Section 149 I.P.C.

(vi) Each accused is convicted for the offence punishable under Section 307 r/w. Section 149 I.P.C. and sentenced to undergo Rigorous Imprisonment for a period of Five years and fine of Rs.1,000/- each, and in default, further imprisonment for a period of three months."

2. The learned Judge has thus clearly applied his mind and his judiciously awarded punishment. In the circumstances, we feel no necessity to enhance the sentence. Hence, Appeal dismissed.

(V.G.PALSHIKAR, Acg.C.J.)

(SMT.NISHITA MHATRE, J.)